

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

v.

GORDON D. MCDONALD,
Defendant.

Criminal No. 09-656-01 (SDW)

ORDER FOR CONTINUANCE

This matter, having come before the Court on the joint application of United States of America (Helen Christodoulou and Elizabeth Prewitt, Trial Attorneys, U.S. Department of Justice, Antitrust Division, appearing) and the defendant Gordon D. McDonald (Justin T. Loughry, appearing), for an order granting a continuance of the trial date and other scheduling in this matter; and the defendant being aware that he has the right to have the matter tried within 70 days from the date on which he first appeared before a judicial officer of this Court pursuant to Title 18 U.S.C. § 3161; and for good cause shown;

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

- 1) On August 31, 2012, the defendant moved for an evaluation of his mental competency pursuant to 18 U.S.C. §§ 4241 and 4247, which was granted on September 7, 2012;
- 2) On September 6, 2012, the Government moved for in-custody evaluation of the defendant's mental competency pursuant to 18 U.S.C. § 4241(b);

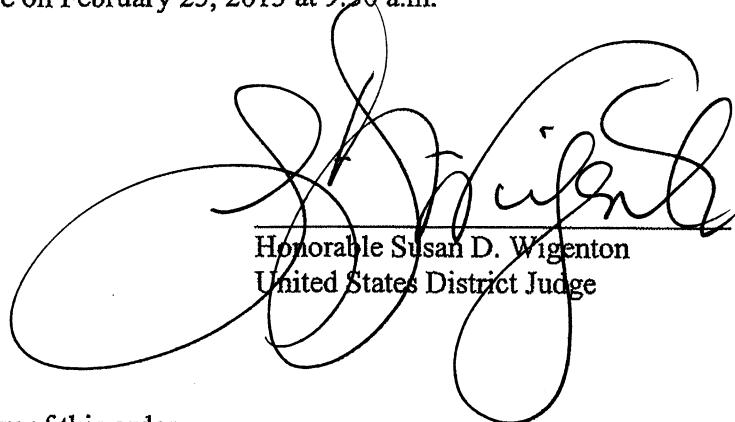
- 3) After considering submissions from both parties, on October 1, 2012, this Court granted the Government's motion for an in-custody competency evaluation and ordered the defendant's self-surrender to the Bureau of Prisons on October 9, 2012;
- 4) On October 18, 2012, this Court amended its October 1, 2012 Order and required that the defendant self-surrender to the Bureau of Prisons on November 21, 2012 for in-custody competency evaluation;
- 5) Defendant continues to state his intention to enter a plea of guilty, having been unable to do so because of on-going medical issues;
- 6) Defendant has consented to the aforementioned continuance;
- 7) The grant of a continuance will likely conserve judicial resources; and
- 8) Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial in that:
 - a. the failure to grant this request in this proceeding would be likely to result in a miscarriage of justice;
 - b. this case involves some complex issues and thus it would be unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act;
 - c. the requested exclusion of time would allow the parties sufficient time for discussions regarding a possible disposition by plea; and
 - d. the failure to set trial beyond the speedy trial date in this proceeding would deny counsel for the Defendant and the United States the reasonable time

necessary for effective preparation, taking into account the exercise of due diligence.

WHEREFORE, IT IS, on this 15th day of November, 2012

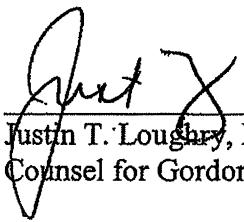
SO ORDERED that, the trial in this matter be continued from October 1, 2012 until February 25, 2013; and that the period of time from October 1, 2012 until February 25, 2013 shall be excluded for the purposes of computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A); and **IT IS FURTHER ORDERED** that:

1. Trial shall commence on February 25, 2013 at 9:30 a.m.

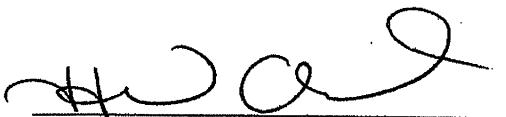


Honorable Susan D. Wigenton
United States District Judge

We consent to the form and entry of this order.



Justin T. Loughry, Esq.
Counsel for Gordon D. McDonald



Helen Christodoulou
Trial Attorney, Antitrust Division
United States Department of Justice

Date: 11-14-12

Date: 11/14/12